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MEMORANDUM

United States Probation Office
Western District of Washington

DATE: May 23, 1997

TO: The Honorable Barbara Jacobs Rothstein
United States District Judge

FROM: Michael K. Banks
U.S. Probation Officer

SUBJECT: Mendoza, David Ronald
Docket No. CR93-00148R-001

STATUS

On September 27, 1993 Mr. Mendoza came before the Court for sentencing. He had previously entered pleas of guilty to Conspiracy to Import Hashish and Conspiracy to Distribute Cocaine and Hashish. He was ordered to serve 70 months in custody to be followed by a five year term of supervised release.

Mr. Mendoza was released from custody on March 28, 1997 at which time his term of supervised release began. He remains on supervision at the present time.

VIOLATIONS

1. David Mendoza has violated the conditions of his supervised release by refusing to report to the probation office as directed, in violation of standard condition No.
- 2.

SUPPORTING EVIDENCE

Upon release from custody, Mr. Mendoza announced his desire to have his supervised release revoked. He says he would rather serve his time in custody than to submit to the conditions of supervised release. Mr. Mendoza objected to the probation office not allowing him to work at Pazzo's Restaurant or allowing him to travel to Spain.

After further investigation, it was decided that Mr. Mendoza would be allowed employment at Pazzo's, a restaurant in which he had previously had an ownership interest. Further, he was told our office would consider his travel to Spain on a case by case basis after he successfully completed a year of supervision.

In spite of this, Mr. Mendoza still wants to be revoked and refuses to cooperate. He was directed to report to my office on May 19, 1997, but refused. He states he will not cooperate in any way with supervised release from this point forward.

To: The Honorable Barbara Jacobs Rothstein
From: Michael K. Banks, U.S. Probation Officer
Date: May 23, 1997
Page Two

RE: Mendoza, David Ronald

2. David Mendoza has violated the conditions of his supervised release by associating with Matthew Anderson, a known felon, in violation of standard condition No. 9.

SUPPORTING EVIDENCE

On May 14, 1997, U.S. Probation officers initiated a search of Matthew Anderson's personal effects while investigating suspected supervised release violations. In his briefcase was a letter to Mr. Anderson from D.K. Industries with the return address being Mr. Mendoza's home address. D.K. Industries is a company with which Mr. Mendoza is involved. In the envelope was a flyer for Pazzo's Restaurant. Also attached was a note which read: AT&T thought you might want to review your work - beautiful isn't it? Signed, Funkster.

When asked, Mr. Mendoza readily admits having hired Mr. Anderson to do some computer graphics work. He says he met Mr. Anderson while they both were detained at the Kent City Jail. He describes him as a "good kid." In fact, Mr. Mendoza states he intends on associating with "anybody I met in prison who I liked who could use my help."

At no time did he attempt to discuss this association with the probation office.

ADJUSTMENT and EVALUATION

As previously noted, Mr. Mendoza was released from the custody of the Bureau of Prisons on March 28, 1997. He served the end of his sentence on home confinement. He continues to reside with his parents at their home located in the Washington Park district of central Seattle.

Because his request to work at Pazzo's Restaurant was initially denied, he worked for Encore Supply, a restaurant supply company located in south Seattle. He continued with this employment until he was released from the custody of the Bureau of Prisons. On my first meeting with Mr. Mendoza after his release, he informed me that he had quit his job at Encore Supply and was working at Pazzo's Restaurant. He further stated that he did not want to participate on supervised release and wished to be revoked so that he could return to Sheridan and serve out the remainder of his sentence.

As previously noted, although initially denied employment at Pazzo's Restaurant he was later granted permission to do so. Further, our office attempted to negotiate his request for travel to Spain, telling him we would consider such travel after he successfully

To: The Honorable Barbara Jacobs Rothstein
From: Michael K. Banks, U.S. Probation Officer
Date: May 23, 1997
Page Three

RE: Mendoza, David Ronald

completed a year of supervision. In spite of this, Mr. Mendoza's mind remains unchanged and he insists on being revoked. He has some strong feelings about being treated unfairly by our office and therefore, he does not want to submit to supervision of any kind.

It should be noted that Mr. Mendoza programmed well while in the custody of the Bureau of Prisons, has submitted two UAs to this office (both clean), and paid \$1,475.00 toward his \$10,000.00 fine while in prison.

COMMUNITY RISK ASSESSMENT

Mr. Mendoza has severed his contact with the U.S. Probation Office and has refused to submit to any of the conditions of supervised release as ordered by the Court. Notwithstanding Mr. Mendoza's refusal to cooperate, there is no history of violent behavior nor has he failed to meet any of his prior court dates. Accordingly, it does not appear there is any present risk of danger or flight which would indicate a need for a warrant or detention pending adjudication.

RECOMMENDATION

It is respectfully recommended that a summons be issued requiring the return of David Mendoza before the Court to show cause why the term of supervised release previously imposed should not be revoked and he returned to custody.

Respectfully submitted,

Michael K. Banks

Michael K. Banks
U.S. Probation Officer

APPROVED:

Robert B. Lee
Chief U.S. Probation Officer

BY: 

Eugene F. Kolbe
Supervising U.S. Probation Officer

MKB/cps

PROB 12C
(10/93)**United States District Court**

for

Western District of Washington**Petition for Warrant or Summons for Offender Under Supervision****Name of Offender:** David Ronald Mendoza**Case Number:** CR93-00148R**Last Known Address:** 1661 Shenandoah Drive E.**City:** Seattle **State:** WA **Zip Code:** 98112**Name of Sentencing Judicial Officer:** The Honorable Barbara Jacobs Rothstein**Date of Original Sentence:** 09/27/93**Original Offense:** Count 2 - Conspiracy to Import Hashish;

Count 3 - Conspiracy to Distribute Cocaine and Hashish

Original Sentence: 70 months custody; 5 years supervised release**Type of Supervision:** Supervised Release**Date Supervision Commenced:** 03/28/97**Assistant U.S. Attorney:** James M. Lord**Defense Attorney:** Al Bentley**Special Conditions Imposed:**☒ **Substance Abuse**☒ **Financial Disclosure**☐ **Restitution**☐ **Mental Health**☒ **Fine: \$10,000**☐ **Community Service**

- ☒ **Other:** 1) The defendant shall not possess a firearm or other destructive device;
2) The defendant shall submit to a search of his person, property, or vehicle conducted in a reasonable manner and at a reasonable time by a probation officer.

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

ViolationNumber Nature of Noncompliance

1. David Mendoza has violated the conditions of his supervised release by refusing to report to the probation office as directed, in violation of standard condition #2.
2. David Mendoza has violated the conditions of his supervised release by associating with Matthew Anderson, a known felon, in violation of standard condition #9.

Petition for Warrant or Summons
for Offender Under Supervision

U.S. Probation Officer Recommendation:

- ☒ The term of supervision should be
- ☒ revoked.
 - ☐ extended for ____ years, for a total term of ____ years.
- ☐ The condition of supervision should be modified as follows:
- ☐ Detention pending final adjudication due to
- ☐ risk of flight.
 - ☐ danger to community.

Respectfully submitted,

Michael K. Banks

Michael K. Banks
U.S. Probation Officer

APPROVED:

Robert B. Lee
Chief U. S. Probation Officer

BY: *Eugene F. Kolbe*
Eugene F. Kolbe
Supervising U.S. Probation Officer

mkb
05/21/97

THE COURT DIRECTS:

- ☐ No Action Approved
- ☐ The Issuance of a Warrant (conditions of supervision shall remain in effect pending final adjudication)
- ☐ The Issuance of a Summons (conditions of supervision shall remain in effect pending final adjudication)
- ☐ Other

Signature of Judicial Officer

Date